

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x

TREVOR SHAPIRO and
JOHANNA QVIST,

23 Civ. 3964 (LGS)

Plaintiffs,

**CIVIL CASE
MANAGEMENT PLAN
AND SCHEDULING
ORDER**

-against-

TRUDY JACOBSON and STEPHEN KOMOREK,

Defendants.

x

LORNA G. SCHOFIELD, United States District Judge:

This Civil Case Management Plan is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties do not consent to conducting all further proceedings before a United State Magistrate Judge.
2. The parties have conferred pursuant to Fed. R. Civ. P. 26(f).
3. This case is governed by one of the following sets of rules, and the parties proposed dates in this order have been adjusted accordingly: N/A
4. Alternative Dispute Resolution/Settlement
 - a. Settlement discussions have not taken place.
 - b. Counsel for the parties have discussed an informal exchange of information in aid of early settlement and have agreed to exchange the following:

All documents that either side believes will help the other evaluate the strength of their case or defense, to be produced within sixty days of this order.
 - c. Counsel for the parties have discussed a settlement conference before a Magistrate Judge, subject to endorsement by both parties after the close of preliminary discovery that such conference is believed to be worthwhile.

- d. The settlement conference contemplated by 4(c), above, shall take place within sixty days of the close of the preliminary discovery phase of this case.
 - e. The use of any alternative dispute resolution mechanism does not stay or modify any date in this Order.
5. No additional parties may be joined after 8/25/23 without leave of Court.
6. Amended pleadings may be filed without leave of Court until 8/25/23.
7. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days from the date of this Order.
8. Fact Discovery
- a. All fact discovery shall be completed no later than 10/26/23.
 - b. Initial requests for production of documents pursuant to Fed. R. Civ. P. 34 shall be served by 7/26/23.
 - c. Responsive documents shall be produced by 8/25/23. The parties do not currently anticipate e-discovery.
 - d. Interrogatories shall be served by 8/25/23.
 - e. Depositions shall be completed by 10/16/23.
 - f. Requests to admit pursuant to Fed. R. Civ. P. 36 shall be served by 9/26/23.
 - g. Any of the deadlines in paragraph 8(b) through 8(f) may be extended by the written consent of all parties without application to the Court, provided that all fact discovery is completed by the date set forth in paragraph 8(a).
9. Expert Discovery
- The parties do not currently anticipate expert discovery, but agree that if there is any expert discovery, it shall be completed no later than 45 days from the completion of fact discovery on 10/26/23.
10. This case is to be tried to a jury.
11. Counsel for the parties have conferred and their present best estimate of the length of trial is five (5) days.

12. Other issues to be addressed at the Initial Pretrial Conference:

The proposed motion to dismiss as set forth in Ms. Jacobson's pre-motion letter to the Court.

13. Status Letters and Conferences

- a. By 8/25/23 the parties shall submit a joint status letter, as outlined in Individual Rule III.D.3.
- b. By 11/9/23 the parties shall submit a joint status letter as outlined in Individual Rule III.D.3 and, unless a settlement conference has already taken place, advise the Court whether or not they request a referral for settlement discussions as provided in Paragraph 4(c) above.
- c. On _____ at _____ a.m. a pre-motion conference will be held for anticipated dispositive motions, provided:
 - i. A party wishing to file a summary judgment or other dispositive motion shall file a pre-motion letter at least two weeks before the conference in the form provided in the Court's Individual Rule III.A.1. Any party wishing to oppose shall file a responsive letter as provided in the same Individual Rule. The motion will be discussed at the conference. To join the conference, the parties shall call 888-363-4749 and use Access Code 558-3333. The time of the conference is approximate, but the parties shall be ready to proceed at that time.
 - ii. If no pre-motion letter is timely filed, this conference will be canceled and the matter placed on the Court's trial ready calendar.

This Order may not be modified on the dates herein extended, except as provided in paragraph 8(g) or by further Order of this Court for good cause shown. Any application to modify or extend the dates herein, except as provided in paragraph 8(g), shall be made in a written application in accordance with the Court's Individual Rules and shall be made no less than 2 business days prior to the expiration of the date sought to be extended.

Notwithstanding any other rules governing discovery or other deadlines, the parties shall follow the deadlines set forth herein unless expressly ordered otherwise by the Court.

The Clerk of the Court is directed to enter the dates under paragraphs 5, 6, 8(a), 9(b)-(c) and 13(a)-(c) into the Court's calendar, and to schedule the conference under paragraph 13(c) as a Pre-Motion Conference, even though the conference will be held by telephone.

SO ORDERED.

Dated: _____
New York, New York

LORNA G. SCHOFIELD
United States District Judge

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